

PD-0928-20

**IN THE TEXAS
COURT OF CRIMINAL APPEALS
SITTING AT AUSTIN, TEXAS**

FILED
COURT OF CRIMINAL APPEALS
3/26/2021
DEANA WILLIAMSON, CLERK

IJAH IWASEY BALTIMORE,
APPELLANT

V.

THE STATE OF TEXAS

ON PETITION FOR DISCRETIONARY REVIEW FROM THE TENTH COURT OF APPEALS
CAUSE NO. 10-19-00196-CR
SITTING AT WACO, TEXAS

STATE'S FIRST MOTION FOR EXTENSION OF TIME TO FILE BRIEF

BARRY JOHNSON
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TO THE HONORABLE COURT

The State of Texas, moves for an extension of thirty days in which to file its Brief, pursuant to Tex. R. App. P. 10.5(b). The State's request is based upon the following reasonable explanation of the need for additional time, within the personal knowledge of Gabriel Price, the attorney signing this motion, namely:

I.

The State of Texas moves this court to allow an extension of thirty days to file its Brief. The State's Brief is due on April 2, 2021. **The State requests that the new deadline be May 2, 2021.** The State has not requested any previous extensions.

The State's attorney has been occupied preparing other briefs, including Rogers v. State, 06-20-00126-CR, filed in the Sixth Court of Appeals on March 19th, 2021, as well as a brief in Ex Parte K.W., 13-20-00291-CR recently filed in the Thirteenth Court of Appeals on March 16th, 2021, as well as Ex Parte Michael Shane Bohanon, 06-21-00001-CR, filed in the Sixth Court of Appeals. Additionally, the State's Attorney has been preparing for Oral Arguments in the Thirteenth Court of Appeals in Cause Numbers 13-20-00287-CR and 13-20-00288-CR, both styled Ex Parte K.G., which Oral Argument occurred on March 25, 2021. Additionally, the State's Attorney will be out of the office from March 26, 2021 through April 5, 2021. These briefs, combined with the other work performed and being out of the office for a period, prevented the State from completing work on this

brief within 30 days. The additional time sought is not sought frivolously or for delay, but will be of genuine assistance in preparing the State's brief. For the foregoing reasons, the State prays that the Court grant this Motion and modify and extend the deadline for filing the State's brief to **May 2nd, 2021** or that this Court grant such additional time as is just and proper.

Respectfully Submitted:

BARRY JOHNSON
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McLennan County, Texas

/s/ Gabriel Price

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CERTIFICATE OF SERVICE

I certify that I caused to be served a true and correct copy of this motion by electronic service on counsel for Appellant at

jessi@freudlaw.com as well as the State Prosecuting Attorney at
information@spa.texas.gov.

DATE: 3/25/2021

/s/ Gabriel Price

GABRIEL PRICE

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